

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

JAN 10 2001

ROBERT M. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Gallina, Section 5

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW Cosme S. Chacon (please print your full name)
COSME S CHACON

and answers the complaint as follows:

<u>Subfile No</u>	<u>Object</u>	<u>Claim No Right</u>
CHGA-02-20004 ←	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHGA-03-30024	<input type="checkbox"/>	<input type="checkbox"/>

1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHGA 02-0004
CHGA did not include stone pond which was because
claimed on a Statement of Water Rights claim
in September. (a copy of claim is attached)

Otherwise the acreage is correct.

Also see copy of your December 6 letter
with names and addresses corrected

6107

This answer is for all four owners
Also - needs to include area to the south which was
included in Sub-File 2-0006B as 8.0 acres given No Right.
Harvey Jacequez has disclaimed this area, which does
belong to us. We filed a claim on this acreage on
Dec. 28, 2000 - see attached copy. This should also
be included in a new consent order. Thank you.

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by
See previous answer for 2-0004

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____ because

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 1-9-01

Cosme S. Chacon
(Signature - COSME S CHACON)

P.O. Box 4
Gallup, New Mexico 87617

(Address: Print Clearly)

638-5325
(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico within 20 days after being served with the summons and complaint, or if service of the summons has been timely waived on request under rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.



STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Rio Chama Stream System
Hydrographic Survey
RIO GALLINA SECTION



Legend

- Irrigated Tract Boundary
- - - No Right Tract Boundary
- ▶ Operable Ditch
- ◄ Inoperable Ditch
- Headgate

Scale
1 Inch = 300 Feet

100 0 100 200 300 Feet



Subfile Number
CHGA-020004
Gonzales/Gurule Ditch

0202800

✓ claimed area
2-0006 B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)
relation of the State Engineer,)
and THE UNITED STATES OF)
AMERICA,)

Plaintiffs,)

v.)

RAMON ARAGON et al.)

Defendants)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

00 DEC 28 PM 1:18

RECEIVED
CLERK'S OFFICE

No. CIV 7941-JC

RIO CHAMA STREAM SYSTEM

Section 5 Rio Gallina

STATEMENT OF WATER RIGHTS CLAIM

I, CHACON BROTHERS own land within the Rio Gallina stream system. I
claim a water right appurtenant to 80 acres of land, which is located tract #
020006 D 80

This land has been historically irrigated with water diverted from the acequia Gonzales
Arriola ditch. The lands for which I claim water rights were
omitted from the 1999 Hydrographic Survey.

Respectfully submitted,

Chacon Bros.

By Jose L. Chacon

P.O. Box 95

Gallina N. Mex
-87017



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

THOMAS C. TURNEY
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6175
FAX: (505) 827-6188

December 6, 2000

Cosme S. Chacon
P.O. Box 4
Gallina, NM 87017

Jose L. Chacon
P.O. Box 95
Gallina, NM 87017

Fulegencio Chacon
P.O. Box * 24
Gallina, NM 87017

Fulegencio Chacon

Jose B. Chacon

~~P.O. Box 4~~

~~Gallina, NM 87015~~

*413 Christine Dr. NE
Rio Rancho, NM 87134*

Re: Adjudication of water rights in Rio Gallina Section of Rio Chama Stream System
Subfile Nos. CHGA-02-0004

Dear Sirs:

Enclosed is an amended proposed consent order that will adjudicate the ownership of the water rights for the above subfile to the four of you as joint owners. I am sending this order after receiving deeds and other information from Cosme S. Chacon stating that the four of you own this property together. Please let me know if my understanding is incorrect. The boundaries of the irrigated land is shown on the enclosed subfile aerial photograph.

If the proposed consent order meets your approval, please return the signed original to me in the enclosed self-addressed stamped envelope. I will have the order approved and filed with the court, and I will send you a copy of the filed order. Although I am sending a copy of this letter to each of you, I will be only sending the proposed consent order to Cosme L. Chacon, and I ask that you each visit with him to review the document.

I have also included copies of a request for a waiver of service for Fulegencio and Jose B. Chacon. I would appreciate the return of an approved waiver from each these individuals. Your other two brothers have already signed and returned these documents.

If the proposed order is not acceptable, you may use the enclosed form answers to reject the state's offer.

Thank you for your assistance and cooperation. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ed Neville".

Ed Neville
Special Assistant Attorney General
Legal Division

cc: Mary E. Humphrey, Esq.
w\ enclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)
relation of the State Engineer,)
and THE UNITED STATES OF)
AMERICA,)

Plaintiffs,)

v.)

RAMON ARAGON et al.)

Defendants)

No. CIV 7941-JC

RIO CHAMA STREAM SYSTEM

Section 5 Rio Gallina

STATEMENT OF WATER RIGHTS CLAIM

Cosme S. Chacon on behalf
I, Chacon Brothers, own land within the Rio Gallina stream system. I

claim a water right appurtenant to 1/2 acres of land, which is located pond North
of tract 20004.

This land has been historically irrigated with water diverted from the acequia Gonzales
Gurule. The lands for which I claim water rights were

omitted from the 1999 Hydrographic Survey.

Respectfully submitted,

Cosme S. Chacon
Cosme S. Chacon

P.O. Box 4
Gallina, NM 87017